THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY
and
THE HONOURABLE SRI JUSTICE
P.SWAROOP REDDY

Taken up W.P.No.12360/2005

Dt.24-9-2007

The People of Puvvada, Nuzella Mandal, Guntur District.

..Petitioner

V.

1. The District Collector, Guntur, Guntur District and seven others.

..Respondents.

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

and

THE HONOURABLE SRI JUSTICE

P.SWAROOP REDDY

Taken up W.P.No.12360/2005

ORAL ORDER

(per the Honourable Sri Justice A.Gopal Reddy)

This is a taken up writ petition on the basis of letter addressed to the Honourable the Chief Justice by the People of Puvvada, Nuzella Mandal, Guntur District alleging that everyday sand from the "REACH" at Gundlakamma vagu in Puvvada village is being lifted through 300 tractors and 150 lorries without obtaining permission from the concerned authorities by one Mogili Bala Guravaiah and the Government Officers are permitting the illegal transportation of sand from the "REACH" by taking Rs.25000/- every-day.

The District Panchayat Officer, Guntur filed counter-affidavit stating that on 15-6-2005 he noticed four vehicles quarrying the sand illegally and immediately seized the same and while taking the seized vehicles to the Police Station, Inavolu, two (2) trackers escaped from the spot and out of the remaining two vehicles, one was handed over to the Panchayat Secretary, Puvvada village due to mechanical defect and one was handed over to the police of Inavolu. On payment of penalty of Rs.3000/- the said vehicle was released. He requested the Regional Transport Authority to take action against the owners of the escaped vehicles and they are taking all possible steps to prevent illegal quarrying from "REACH" at Gundlakamma vagu in Puvvada village and as on today there is no illegal transportation of sand is going on.

The Sub-Inspector of Police, Inavolu Police Station filed a counter-affidavit stating that the Divisional Panchayat Officer lodged a

complaint on 29-6-2005 alleging that one Parimi Israil, S/o China Kotaiah, resident of Puvvada village is collecting an amount of Rs.20/- from each sand loaded tractor without any authorization and on the basis of the same, a case in Cr.No.21/2005 under Sec. 379 IPC was registered on 29-6-2005 and investigation was taken up. After completion of investigation, section of law was altered to one secs. 468, 471, 420 , 406 r/w 34 IPC and the accused who were responsible for the commission of offence were arrested on 5-7-2005 and were sent for remand and charge sheet was filed on 7-7-2005 before the Munsif Magistrate Court at Vinukonda.

The District Court, Guntur District, who is one of the respondents herein and who has to protect the public property has not filed any counter affidavit.

As on the date of filing of the counter-affidavit by the Divisional Panchayat Officer there is no illegal transportation of sand from the "REACH" at Gundlakamma vagu in Puvvada village is going on. In view of the said representation, the District Collector, Guntur District is hereby directed to instruct all his subordinates concerned to see that no illegal transportation of sand is being undertaken and also take measures to prevent the illegal transportation of sand.

With the above direction, the writ petition is dismissed.

_____

A.GOPAL REDDY, J.

_____

P.SWAROOP REDDY, J.

Dt.24-09-2007

kmr